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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,537	09/21/2001	Steven A. Olsen	14389.1USU1	5282
23552	7590	10/19/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,537	Applicant(s) OLSEN, STEVEN A. SJ	
	Examiner Phi D A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-17, 19, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/04 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10, 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preambles of the independent claims and the dependend claims are inconsistent.

4. Claims 1, 12, 13, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 3 “an at least one...” is confusing. Should it be “at least one...”?

Claim 12 line 5 “the take mechanism” is confusing. Should it be “the take up mechanism”?

Claim 13 line 2 “the crossbar” is lacking antecedent basis.

Claim 15 line 5 “an at least one” is confusing. Should it be “at least one”?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bender (2375461).

A retractable column (able to function as a column) comprising at least two section chains (figures 3, 6) in an adjacent manner, each section chain having a plurality of sections pivotally connected to each other, at least one chain connection member ((figure 3, the hook which connections parts e' together) extending in an outward direction from each section wherein the members further comprising a surface which slopes toward a point and whereby the members directly couple to one another to link each section chain to the adjacent section chain in such a manner as to form a rigid column as the section chains are raised in an operable position, the member further comprising an elongate shaft and a distal hook portion wherein the surface of the member converges toward a point is represented by the hook portion, each section comprising a first chain connection member extending in a substantially outward direction from the section and a second chain connection member extending in a substantially outward direction from the section wherein the plane running through the hook of the second chain connection member being set at an angle to the elongated shaft, the shaft of the member having a shoulder portion wherein the shoulder portion prevents twisting of the shaft in relation to its connection to the section, a guide tower [C] operably positioned relative to the two section chains and operably

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interacting the section chains wherein the guide tower engages the sections and helps to guide the first and second hooks into coupled engagement, at least one guide roller (figure 3, 6) operably connected to the guide tower and operably interacting with the section chains whereby the guide rollers engage the sections and helps to guide the first and second hooks into coupled engagement, at least one shim[C'], the shims operably affixed to the guide tower whereby the shims engage the sections and helps to guide the first and second hooks into coupled engagement, at least one interior roller, the interior rollers operably affixed to the guide tower whereby the interior rollers engage the sections and helps to guide the first and second hooks into coupled engagement.

7. Claims 12-17, 19, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bender (2375461).

A retractable column (able to function as a column) that can be stored to on a take up mechanism, the column comprising at least two section chains (figures 3, 6), each section chain having a plurality of sections pivotally connected in a line, the section chains being attached in such a manner that they can be rolled up on the take up mechanism in a compact fashion and each section is layered upon previous sections, a first connection member operably attached to each section wherein the first member extends in a horizontal manner from the section, a second connection member operably attached to each section wherein the second member extends in an off set manner from the section, the connection members are curved wherein when the one section chain is extended from the take up mechanism and into a corresponding position adjacent the second section chain, the section chains operably couple by attachment of the sequential attachment of the first members of one section chain directly to second connection members of

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the second section chain, a kicker operably attached to crossbar of each section of the section chain whereby when the section is taken up by the take up mechanism, the kicker shunts the section into a properly seated position relative to the section underneath it on the take up mechanism, a drive mechanism operably attached to the section chains whereby the actuation of the drive mechanism raises the section chains into position whereby the interlocking engagement of the first and second connection members to form the column, a guide tower operably positioned to the two section chains wherein the guide tower engage the sections and helps to guide the first and second connection members into coupled engagement, at least one guide roller operably connected to the guide tower and operably interacting with the section chains whereby the guide rollers engage the sections and helps to guide the first and second members into coupled engagement, at least one shim, the shims operably attached to the guide tower whereby the shims engage the sections and helps to guide the first and second connection members into coupled engagement, at least one interior roller, the interior rollers operably affixed to the guide tower whereby the interior rollers engage the sections and helps to guide the first and second connection members into coupled engagement, a drive mechanism operably attached to the section chains whereby the actuation of the drive mechanism raises the section chains into position whereby the interlocking engagement of the first and second connection members to form the column.

Allowable Subject Matter

8. Claims 8-10, 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter:

prior art does not show a gear rack fixedly connected to each section of the section, the gear rack affixed by an extruded T-slot to which fasteners are attached through the gear rack and into the section in combination with other claimed limitations.

Response to Arguments

10. Applicant's arguments with respect to claims 1-10, 12-19, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different column designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

10/18/04

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